

SN



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,667	09/26/2003	John Jiin Chung Yang	CIP2176A-CTI	9791
30265	7590	03/23/2005	EXAMINER	
DAVID AND RAYMOND PATENT GROUP 1050 OAKDALE LANE ARCADIA, CA 91006			PRICE, CARL D	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/672,667

Applicant(s)

YANG, JOHN JIIN CHUNG

Examiner

CARL D. PRICE

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-27 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-27, 31-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/28/2004 has been entered.

Claims

Claims 1-24 and 28-30 have been cancelled.

New claims 25-33 are pending.

Response to Arguments

Applicant's arguments filed 12/28/2004 have been fully considered but they are not persuasive.

The amendments to the specification, made by applicant in the response filed on 12/28/2004 have been carefully reviewed.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that "... **the gas actuating arm having a driving shoulder** provided between a bottom end of the gas actuating arm and a bottom side of the pusher button ..." is not shown in the prior art of record. The examiner disagrees. Applicant's attention is directed to Figures 6 and 7 of the prior art reference of US006468070 (JON), and in particular to annotated Figures 6 and 7 of JON appearing in the previous Office Action. US006468070 (JON) clearly shows a slanted, or angled, driving shoulder arranged to be pressed against a corresponding slanted, or angled, shoulder of a pivoting gas actuating arm.

The examiner also disagrees with applicant's argument that the prior art does not show a stop post "**positioned right above** the stopper" and wherein the stopper is arranged "to move **aside from the stop post**" to allow depression of the pusher button. Again as clearly seen in Figures 6 and 7 of US006468070 (JON) the "switching element", or stopper, (see the examiner's annotations for Figures 6 and 7 herein below) is located "below" (i.e. - on the same side of the push button as the piezoelectric element, gas lever, fuel tank, etc.). And, it is further noted that in order to permit the "stop post" (see the examiner's annotations for Figures 6 and 7 herein below) and push button to freely move downward (i.e. - in the direction of the piezoelectric element, gas lever, fuel tank, etc.) the "switching element", or stopper, of JON would necessarily be arranged "*to move aside from the stop post*".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3749

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25-27, 31-33: rejected under 35 U.S.C. 103

Claims 25-27, 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US006468070 (JON)(Figures 6 and 7) in view of US006468070 (JON)(Figures 5 and 6), US005409372 (NOBUO) or US006093017A (SAITO) (all of record).

US006468070 (JON) (Figures 6 and 7) shows and discloses a casing having:

- a lighter housing, which has an internal cavity and a pusher cavity therein,
- a tubular lighter rod (16) extended from the lighter housing,
- the lighter housing has a safety slot (at 32) provided on a sidewall of the lighter housing to communicate the internal cavity with an exterior of the lighter housing,
- a fuel storage housing (30) disposed in the internal cavity of the lighter housing for storing liquefied gaseous fuel;
- an ignition system which comprises
 - o a gas emitting nozzle (31) communicated with the fuel storage housing for releasing gaseous fuel;
 - o a gas tube extended from the gas emitting nozzle to a top end portion of the lighter rod to form an ignition tip therein,
- a piezoelectric unit (40) supported in the internal cavity for generating piezoelectricity, wherein the piezoelectric unit comprises a movable pad and a

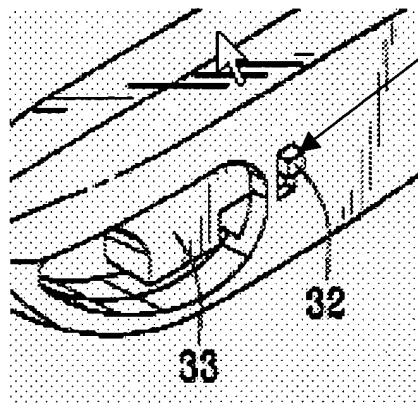
Art Unit: 3749

spark generating tip extended to the ignition tip through the lighter rod for generating sparks when the movable pad of the piezoelectric unit is depressed; and

- a pusher button (33) which is supported in the pusher cavity in a slidably movable manner to drive the movable pad of the piezoelectric unit to be depressed;
- a gas releasing unit for control a flow of the liquefied fuel, wherein the gas releasing unit comprises a gas lever (not referenced in Figure 7; see (70,50,90) in Figure 2) having a pivot end engaged with the gas emitting nozzle and an actuating end arranged to be depressed so as to pivotally lift up the gas emitting nozzle for releasing the liquefied fuel, and a gas actuating arm integrally extended from the pusher button towards the actuating end of the gas lever such that when the pusher button is depressed, the gas actuating arm is driven to depress the actuating end of the gas lever for releasing the liquefied fuel so as to ignite the liquefied fuel at the ignition tip; and
- a safety arrangement, which comprises:
 - o a stop post integrally extended from the pusher button at a position parallel to the gas actuating arm;
 - o a locking member, which comprises a switching member slidably mounted on the sidewall of the casing along the safety slot and a stopper which is integrally extended from the switching member into the lighter housing

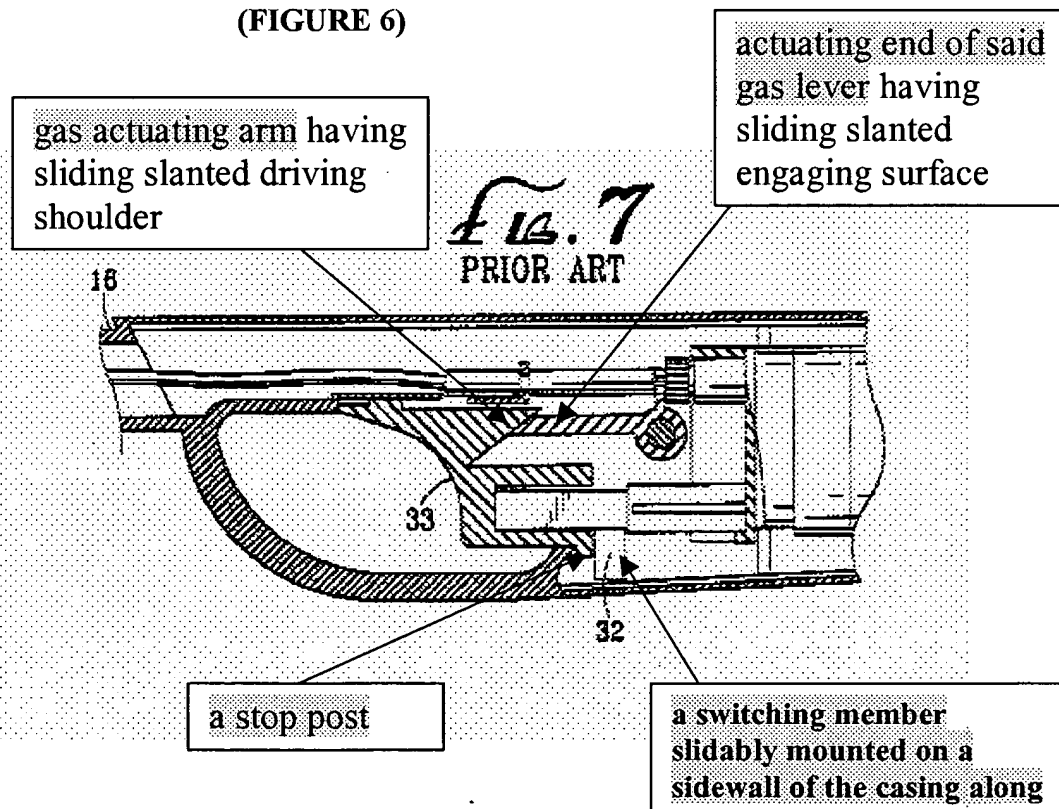
Art Unit: 3749

through the safety slot and is normally blocked up the pusher button sliding towards the piezoelectric unit,



a switching member slidably mounted on a sidewall of the casing along a safety slot

(FIGURE 6)



gas actuating arm having sliding slanted driving shoulder

actuating end of said gas lever having sliding slanted engaging surface

a stop post

a switching member slidably mounted on a sidewall of the casing along

- wherein the safety slot is transversely provided on the sidewall of the lighter housing with respect to a sliding movement of the pusher button, wherein the switching member is slid on the sidewall of the lighter housing along the safety slot to drive the stopper between a locked position and an unlocked position, wherein at the locked position, the stop post is aligned with the stopper such that the pusher button is blocked to be pushed towards the piezoelectric unit for ignition, and at the unlocked position, the switch member is slid on the sidewall of the light housing along the safety slot to drive the stopper to move to an offset position that allows the pusher button to be depressed to depress the movable part of the piezoelectric unit and to depress the actuating end of the gas lever simultaneously for igniting the utility lighter,
- and a resilient element supported in the internal cavity of the lighter housing for urging a pushing force to the locking member to normally retain the locking member at the locked position.

US006468070 (JON)(Figures 5 and 6) discloses the invention substantially as set forth in the claims with possible exception to a resilient element supported in the internal cavity of the lighter housing for urging a pushing force to the locking member to normally retain the locking member at the locked position.

Art Unit: 3749

US006468070 (JON) teaches, from the same gas lighter field of endeavor as US006468070 (JON)(Figures 6 and 7), a resilient element (50, 90) supported in an internal cavity of a lighter housing for urging a pushing force to a locking member (80) to normally retain the locking member at a locked position.

US005409372 (NOBUO) teaches, from the same gas lighter field of endeavor as US006468070 (JON)(FIGURES 6 AND 7), alternative resilient elements (coil spring 5; leaf coil spring 6; integral formed leaf spring 40, 41) supported in a cavity of a lighter housing for urging a pushing force to a locking member to normally retain a locking member (4) at a locked position.

US006093017 (SAITO ET AL) teaches, from the same gas lighter field of endeavor as US006468070 (JON)(FIGURES 6 AND 7), resilient element (leaf coil spring 631) supported in a cavity of a lighter housing for urging a pushing force to a locking member to normally retain a locking member (632) at a locked position.

In regard to claims 25 and 31-33, for the purpose of urging a pushing force to a locking member to normally retain the locking member at a locked position, it would have been obvious to a person having ordinary skill in the art to position a coil spring resilient element supported in an internal cavity of the lighter housing, in view of the teachings of US006468070 (JON)(Figures 1-5) or US005409372 (NOBUO). In regard to claims 25-27 and 31-33, for the purpose of urging a pushing force to a locking member to normally retain the locking member at a locked position, it would have been obvious to a person having ordinary skill in the art to position a coil spring resilient element supported in an internal cavity of the lighter housing

Art Unit: 3749

between a wall of the cavity and a groove in the locking member, in view of the teachings of US006093017 (SAITO et al).

Conclusion

See the attaché PTO form 892 for prior art made of record and not relied upon that is considered pertinent to applicant's disclosure.

USPTO CUSTOMER CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL D. PRICE whose telephone number is (571) 272-4880. The examiner can normally be reached on Monday through Friday between 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (571) 272-4877. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3749

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Carl D. Price'.

CARL D. PRICE
Primary Examiner
Art Unit 3749

CP